

LEGISLATIVE COUNCIL.

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and not vote for any milk and water resolution as he is clamorous

the public institutions for the trial of alleged offenders. The great object of every such trial is to do justice—absolute justice, as nearly as the imperfection of human institutions will allow—justice on the one side to society, whose well-being is imperilled by crime, and justice on the other hand to the alleged offender, who suffers a wrong if he is unjustly convicted, or unduly punished. The object and procedure of Courts are specially intended to secure this equilibrium of justice—to attain this equilibrium between due consideration to the claims of society on the one hand, and due consideration to the claims

of the individual on the other. And any improvement which reflection on our past and present practice, or which the experience of other countries may suggest, presents a claim to conscientious consideration that cannot be denied.

In the bill now before the Legislative Council, there is included, at the recommendation of the Law Reform Commission, a righteous alteration in the practice of the

Magisterial Courts—righteous, because it is
but simple justice to the accused. The
prisoner is not entitled of right to be heard
by himself or his counsel in his
own defence. Some of our readers will
remember the eloquent satire with which
SIDNEY SMITH battled against the barbarous
English law, by which prisoners, even in the
higher Courts of England were debarred the
privilege of counsel. Yet a practice somewhat
analogous appears to prevail, at the discretion

of the magistrates in the Courts of first instance in this colony. In proof of this we need only refer to the evidence given by Sydney magistrate before the Select Committee of the Legislative Assembly on the management of the Central Police Office. That gentleman said, "In criminal cases, when a magistrate thinks a *prima facie* case is made out for committal, of course he may refuse to hear an attorney. I very often refuse to hear them. If I saw a case made out, I should say the Bench had made a

their mind, and refuse to hear anything further. But the Judges of the Supreme Court differ from that view—they say we ought to take all the evidence in a case, for and against." The members of the Law Commission think, with the Judges, that an accused person ought, at every stage of his trial, to have his cause pleaded; and adequate provision to this effect is made in clauses 348 and 352—

But, while fully recognising the value of the improvement thus to be made in our criminal procedure, we cannot but ask, whether there are not other changes which ought also to be made, out of a due regard for justice to the accused, but to the propriety of which long custom has hitherto blinded us. The first question asked of a prisoner in the Supreme

Court is, "Guilty or not guilty?" Now, if the prisoner is guilty and knows it, he is invited to tell a lie, in order to secure a trial. So little is absolute truthfulness thought of in this matter, that it is sometimes suggested to the prisoner from the Bench that he should withdraw the plea of guilty, and plead "Not guilty"—that is to say, in a solemn procedure, in which, from that stage forward, truthfulness is regarded as of the utmost importance, and falsehood punished with the utmost severity. The prisoner stands in a false position.

distinct incitement to a wilful lie. It is true the prisoner may be silent. Yet if he is the law will suggest that he is actuated by malice. Here are the words of the 399th Clause of the bill now before Parliament,—"And if any person being arraigned shall stand mute of malice, or will not answer to the indictment, the Court may order a plea of 'not guilty' to be entered."

Now, why should malice be suggested? Why should not we have charity enough to

allow conscientiousness to be supposed? Even a criminal is not all wicked, and we may imagine that when on trial for his liberty or his life he would rather not tell a lie, unless he is made to feel it necessary to rebut the presumption of his conscious guilt, and secure himself the chances of a trial. Surely this part of our procedure might be amended. No one will contend that telling a lie is conducive to the ends of justice, nor can any one commend it as consistent for a Judge to tempt a

prisoner to tell such a lie, when perhaps in a few hours afterwards he will be exhorting that very prisoner in solemn tones to prepare to meet his God.

Clause 342, relating to the position of an accused person, is as follows:—“In every case, whether of felony or misdemeanor, the accused shall enter the dock, unless the presiding Judge shall otherwise order, provided that every defendant in a case of libel, or of assault simply, may remain on the floor of the Court,

at present. It is a maxim of English law that every man shall be presumed to be innocent until he has been proved to be guilty. It matters not, therefore, that he has been committed on suspicion, that he has been committed by magistrates, that a true bill has been found against him by the grand jury, and that he has been either incarcerated or held to bail, still, in the eye of the law, he is not guilty; and it will be time enough to treat him as such when he has been proved to be such. Unless, therefore, it can

be shown necessary for the ends of justice, that an accused person should be placed in the dock and compelled to stand during the whole of the trial, the practice stands condemned by one of the first principles of our jurisprudence. Is not our customary practice, to use the words of Lord LYNNHURST, one of "the remnants of a barbarous code of laws relating to felons?" The words of the clause we have quoted imply that the practice is not required in some cases, and this is itself a virtual admission that it

should be confined to those cases in which it is necessary, and they will be those in which the use of the dock is desirable for security. Certainly it should not be employed for the purpose of anticipatory degradation.

Following established English custom, and we believe still the established custom throughout the British Empire, the Law Commission has not proposed to give the prisoner's counsel the right of reply. Mr. W. D. HILL, however, from whom we have quoted above, when refer-

ing to the Prisoners' Counsel Bill, says, "I could wish that this humane provision of giving the prisoner's counsel the last word had formed part of the Bill." The question must be not only put, but must be fairly answered, whether such a practice would be not merely humane, but just? As the practice stands, the prisoner has two speeches to one against him. If his cause is bad, a reply from his counsel will not be likely to pervert the end of justice; but if it is sound, it will most beneficially assist

him, and to every fair chance of a complete hearing he is fully entitled.

One other claim may perhaps be put forward on behalf of accused persons, and that is for an appeal. This is not the custom of English law

William Thurlow succeeded to the chair. Mr. as popular in the Council Chamber as he outside, and found a difficulty in conducting his business, but he was not so fortunate. When they obtained a majority vote, they were in the Chamber, and this was the cause of the which forced on the Government the repeal of the Alien Act, and the withdrawal of the Commissioners. It is true, that most if not all the city members were enough at the last election to promise their aid to the change,—and because they could not comply with the promise, they were perhaps as angry as they should interfere. The cry for reform is, I believe, with some disappointed aspirants for honors; the others are satisfied with the of aldermen, leaving the aldermen to elect from themselves their own chairmen.

PARIS, AUGUST 1889.
TRAVELLING ROYALTIES.

incident there, I could not of course say what change the meantime have been made. But I find by a paper of the 26th August the following:—A by-law has arisen in the ranks of the aldermen by the of Alderman Challis. The mayoralty also to an end very shortly. Should the Court of Aldermen allow the ordinary rule and elect the next alderman-

ing, Mr. Alderman Stone, a London solicitor, will be the only person who can give the necessary information. It is required, to make the thing right, that persons should refrain from eliciting to alderman any case not worthy of filling the mayoral chair.

D. B. S.

Number 26.

PARLIAMENTARY REPRESENTATION.

TO THE EDITOR OF THE HERALD.

Have the kindness to allow me an space in your journal for the correction of an error in your leader of this morning. You therein state that the Council had refused a second member. This is not the case. Four former "one-horse" constituents, as you term them, have obtained additional representation, viz., Messrs. Manning and Fort Macquarie, Orange, and Messrs. Gifford and Carcross. If the constituents in question in your columns, you would have found ascertained by documentary evidence, and not by hearsay, that you have been misled by the committee of the Council, and that the Council has refused to add Fort Macquarie—to which a place of the same value as the other three has been given. The Council has added—contains over 2000 electors. Independent

I am, yours truly,
H. B. SMITH.
Guarise-street, November 25.

WOOL DUMPING.

Erhard, commander of the Russian
mortality wounded in the battle of A

[illegible][illegible][illegible]

stant town in an important and flourishing district, now being the official head centre, the place of Petty Sessions, Crown Court, Agency, District Court sittings, police quarters, &c.

There are surely something very exceptional in all this, and an extremely exceptional case, the petitioners claim. No station, they say, has ever been built in connection with the construction of this branch railway could hereafter be built by any other locality as a precedent for compelling the Government to do likewise elsewhere, simply because the Government cannot afford to do so.

There is no case having the slightest analogy to this. There are other important towns such as Berrima on any main line, in the colony, that has been, or is likely to be, so completely cut off from the rest of the colony that the Government has been: nor, should any such case possibly come

It is scarcely likely much ton or place would be lost in the midst of valuable coal fields. The Government has no other alternative, and almost entirely unavailable to the country (in this case) without the construction by the Government of a railway at a relatively small cost. The importance to the colony as that of iron-ore, is a statement depending upon the construction of such a line in this case there is the fact that the Government has, in all probability, recouped in a few years the total cost of the construction of the line. The line carries enormous stores of tonnage, consisting of coal, limestone, pig-iron, manufactured iron, and perhaps other goods. It will be the main artery of the colony. The Southern line—besides the item of thousands of tons (is increasing every year) saved annually in the cost of the price of the goods transported by the line, and, in addition to all that there is to be derived the development of all that vast and undeveloped country, and the whole industry of the colony, working upon as Natal—the industry of iron-ore is due to this country. The works of this country are now

It is quite certain that if the proposed branch line were in existence, this company would at this moment be deriving by its means from the coal mine here (where the mine also possess coal lands) to their works at Kaituma a considerable profit. This would be a great advantage to it will be seen we are advocating not a master mine to alter the present, or to fix the future railway of the Government, but one that has been established by the Government for the purpose of doing likewise also, — not the “construction of a line in order to give a private enterprise” solely; but simply an undertaking of vast and of infinitely greater importance to the colony than any private persons — in fact, a matter of national importance. And the petitioners earnestly request that when the facts are properly understood, the Government will not be deterred from carrying out the proposed line.

I AM, MR. FORBES, &
 G. E. MAKIN,
 Union, Secretary Berrima Branch Railway Committee.

COMPULSORY EDUCATION.

TO THE EDITOR OF THE HERALD.
 I never visit a large school without feeling how
 vast many of the anxious little faces would look were
 owners intent upon a game of romps or sports, and
 school writers all agreed that they were the children
 of a race of being compelled to learn, should be deterred so
 as possible from exercising their brains. I know a
 great many men in the country who will not allow their
 children to be educated beyond the age of 10, and

me means an isolated case. I have heard and read of
other cases, and, in my opinion, many families would
greatly by adopting his system, and many delicate
persons, who now lose their only chance of becoming
strong and healthy men and women from a fostering
of their predilection for study and mental culture, would
be able to meet the judicious repression of their loving
parents.

Yours, &c.,
HYGIENA.

$\frac{d}{dt} \left(\frac{1}{\rho} \right) = - \frac{1}{\rho^2} \frac{d\rho}{dt}$, where $\frac{d\rho}{dt} = \frac{\partial \rho}{\partial t} + \mathbf{v} \cdot \nabla \rho$.
 In the case of a steady flow, $\frac{d\rho}{dt} = 0$, so $\frac{d}{dt} \left(\frac{1}{\rho} \right) = 0$.

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LAW.

[illegible]

THE BORDER CUSTOMS.

[illegible]

ELDERS.—TENDERS will be received up to 5th day of December, for the erection of a House,

[illegible]

WILCOX AND GIBBS' SEWING-MACHINES
complete, with extras, 27 10s.
The safest test to purchasers is that they can have
ONE MONTH'S TRIAL BEFORE PURCHASE,
if required.
They will do every description of
work.
References can be given to 10,000 purchasers.
EVERY MACHINE GUARANTEED FOR
SIX MONTHS.
**RAMUEL HEBBLEWHITE, 422, George-street,
near Royal Hotel.**

**FURNITURE, Bedsteads, Bedding, and other effects
really cheap, at Moon's City Auction Rooms.**

MUSICAL INSTRUMENTS.
**J. BROADBENT and SON'S PIANOFORTES for
SALE. ALLAN and CO., Macquarie-place.**

**ELVY and CO., Importers of RELIABLE and
GUTHRIE PIANOFORTES, Harman-
way, Sydney.**

**Our Highest Class Pianofortes, and
Mason and Hamlin's Celebrated
AMERICAN ORGANS,**
can be selected under our INSTANT SYSTEM,
which has been largely used since the establishment
of our business.

MEDICAL, CHEMICALS, ETC.

AUSTRALIAN OINTMENT (of a pure green color)
stands unrivalled for its wonderful cures: 1s, 10s.
**HENRY'S COLONIAL OINTMENT, in 100 pots,
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Removes superfluous hair from the face and arms without
injury to the skin. Had of chemists.

WONDERFUL DISCOVERY.—ALEX. ROSS'S
CHIROPY removes a corn in an hour, turns into
a healthy nail, and restores the foot to its
natural state. Had of chemists. ALEX. ROSS,
308, High Holborn, London, England. Also of ELLIOTT,
BROTHERS, 110, Pitt-street, Sydney.

SPANISH FLY is the active ingredient in ALEX.
ROSS'S CANTARIDES OIL, which quickly produces
hair and whiskers. Had of chemists. ALEX. ROSS,
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BROTHERS, 110, Pitt-street, Sydney.

CAUTION TO THE PUBLIC.—Be careful to ask for
LINGARD'S COUGH LINCTOR, and see that the
name of "Myers and Solomon" is on the wrapper and label.
All others are counterfeits.

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Druggist, Brickfield-hill, and all respectable chemists.

**CHURCHILL'S SYRUP OF LIME, IRON, and
SODA.**—Recommended by the faculty for consumption
and all diseases of debility. Free from any unpleasant
taste.

**ELLIOTT, BROTHERS, Wholesale Agents,
112, Pitt-street.**

**DR. SOUTHAM'S GOUT and RHEUMATISM
PILLS,** a safe and simple remedy, are strongly
recommended to all who are afflicted with
RHEUMATISM, GOUT, TIC-DOLÉ, and RHEU-
MATIC PAINS in the HEAD and FACE. They give
immediate relief, and are a valuable remedy in
all cases of GOUT, GRAVEL, and RHEUMATISM.

Sold by W. PRATT, Dispensing Chemist, 521, George-
street, Sydney, and by all respectable chemists.

**THE GREAT ENGLISH REMEDY FOR
GOUT and RHEUMATISM.**

All sufferers from the above complaints, either of recent
or long standing, are advised to use BLAIR'S GOUT and
RHEUMATISM PILLS. They can be relied upon as the
most safe and efficient remedy ever offered to the public, and
have been universally used in all parts of the world, and
many years with the greatest success.

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and address of "THOMAS PRATT, No. 229, Strand,
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affixed to each box of the genuine medicine.

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must be very fortunate or strong who escape colds,
coughs, colds, or even diseases of the lungs during
the winter. They are a valuable remedy in all cases of
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Medicine, truss, elastic stockings, and all the
latest medical appliances, and all the latest
medical appliances, and all the latest medical
appliances, and all the latest medical appliances.

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Every article guaranteed Genuine.

Each less than 1s.—Bismell's Violet Powder, 4d; Fly
Paper, 7d; 10d; 15d; 20d; 25d; 30d; 35d; 40d; 45d; 50d; 55d; 60d; 65d; 70d; 75d; 80d; 85d; 90d; 95d; 100d; 105d; 110d; 115d; 120d; 125d; 130d; 135d; 140d; 145d; 150d; 155d; 160d; 165d; 170d; 175d; 180d; 185d; 190d; 195d; 200d; 205d; 210d; 215d; 220d; 225d; 230d; 235d; 240d; 245d; 250d; 255d; 260d; 265d; 270d; 275d; 280d; 285d; 290d; 295d; 300d; 305d; 310d; 315d; 320d; 325d; 330d; 335d; 340d; 345d; 350d; 355d; 360d; 365d; 370d; 375d; 380d; 385d; 390d; 395d; 400d; 405d; 410d; 415d; 420d; 425d; 430d; 435d; 440d; 445d; 450d; 455d; 460d; 465d; 470d; 475d; 480d; 485d; 490d; 495d; 500d; 505d; 510d; 515d; 520d; 525d; 530d; 535d; 540d; 545d; 550d; 555d; 560d; 565d; 570d; 575d; 580d; 585d; 590d; 595d; 600d; 605d; 610d; 615d; 620d; 625d; 630d; 635d; 640d; 645d; 650d; 655d; 660d; 665d; 670d; 675d; 680d; 685d; 690d; 695d; 700d; 705d; 710d; 715d; 720d; 725d; 730d; 735d; 740d; 745d; 750d; 755d; 760d; 765d; 770d; 775d; 780d; 785d; 790d; 795d; 800d; 805d; 810d; 815d; 820d; 825d; 830d; 835d; 840d; 845d; 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TO-MORROW, Friday, 27th November.

ORDER OF SALE.

CITY, SUBURBAN, AND COUNTRY PROPERTIES,

at the Rooms, Pitt-street, at 11 o'clock, for half-past 11 o'clock prompt

CROWN LAND.

43½ acres Crown Land, parish of Northcote, county of Cumberland; 1 upper price, 21 per acre.

DOWLING-STREET.

Two Dwelling-houses, Nos. WOOLLOOMOOLOO, 161 and 163, Dowling-street, a few yards north of William-st. Third Building Allowance, adjoining the southern boundary of the above.

ELIZABETH BAY ROAD, MACLEAY-STREET.

CHEVERELES, a first-class city Family Residence and Grounds, 3 roads in extent, having a large frontage to Elizabeth Bay Road, a few feet from Macleay-street.

ELIZABETH BAY ROAD.

EWANTON, a neat and conveniently arranged city Villa Residence and Grounds, between Greenoaks and Chaverra.

DARLING POINT.

Mr. Justice Cheek's Residence and Grounds, fronting a private road and extending to Glenworth.

Four Building Sites on the Darling Point Road, between Villa and Site, known as The Octagon, adjoining Greenoaks. Villa Site adjoining Glenorch.

GEORGE'S RIVER.

190 acres Crown Land, near the estate of W. Hardy, Esq.

WESTERN ROAD.

Mount Drift Estate, an improved Farm, about 3.0 acres, between Farmsteads and South Creek.

LITTLE FOREST.

Spencer's 50 acres, near SOUTHERN ROAD, Kelghra's Old Inn. RICHARDSON and WRENCH.

TO-MORROW, FRIDAY.

DARLING POINT.

The whole of that truly valuable FREEHOLD ESTATE, known as the property of Mr. JUSTICE CHEEK, containing an area of 100 acres, and ACRES, most favorably situated on the HEIGHTS OF DARLING POINT, and surrounded by the following properties:—GREENOAKS, GLENROCK, GLANWORTH, and ST. MARK'S PARSONAGE.

LOT 1.—THE RESIDENCE AND GROUNDS OF the proprietor, containing about 1 acre 3 rods and 22 perches, fronting a private road, and extending to Glenworth.

LOTS 2 TO 6.—FOUR BUILDING SITES, having each 7½ feet frontage to the Darling Point Road, with a depth of about 250 feet.

LOT 6.—THE VILLA AND SITE known as THE OCTAGON, area 1 acre 1 rod 26 perches, adjoining GREENOAKS.

LOT 7.—VILLA SITE, 1 acre 1 rod and 9 perches, adjoining GLENROCK.

CARDS to view can be obtained on application RICHARDSON and WRENCH.

MOSSMAN'S HAY, NORTH SHORE.

RICHARDSON and WRENCH have received instructions from the proprietor to sell by public auction, at the Rooms, Pitt-street, on MONDAY, 7th December, a portion of the celebrated MOSSMAN'S HAY ESTATE, NORTH SHORE, including beautiful Pasture and 1 site on the Great Military Road, also on the Bagin Road, a short distance from the Mossman's Bay steam-ferry wharf, to which there is regular and constant access during the day.

The instructions of the proprietor are to sell only a small portion of this valuable property—say, 600 head of cattle, the two main roads of the subdivision—simply to supply the demand which has arisen for a few first-class sites near the villa residence now being completed on the heights.

Plan on view at the Rooms. Terms at sale.

FIRST-CLASS FATTENING CATTLE STATION. PRELIMINARY NOTICE.

GOANDRA CATTLE STATION, NAMOI RIVER, NEW-SOUTH WALES. 4500 HEAD CATTLE, more or less, of the ORIENTATED EX BRAND.

G. F. WANT has received instructions from J. De V. Lamb, Esq., on behalf of R. H. Bloomfield, Esq., to offer for public competition, at the Pastoral Estate, 13 miles from Sydney, about the MIDDLE OF JANUARY next ensuing, The Goandra Cattle Station, together with 4500 head cattle, more or less, of the ORIENTATED EX BRAND. Full particulars will appear in future advertisements.

DISTRICT OF LIVERPOOL PLAINS.

FOR POSITIVE SALE. These valuable and well-known fattening Stations, TRUMBURY BILLYEBA, and VALS OF BILLYEBA, with 14,787 superior fine-wooled Sheep.

H. AND F. WEAVER have received instructions from John H. Cox, Esq., to sell by auction, at the Exchange, Sydney, on WEDNESDAY, 16th December, 1874, at 11 o'clock, the above valuable fattening stations. For full particulars see Secretary G. M. HERRALD. Cottage Residences and Allotments of Land, Summers Road, South Kingston. W. PRITCHARD will sell by auction on the 6th of December, 1874, at 3 o'clock, South Kingston, on SATURDAY, 27th instant, at 3 o'clock. A grand and well finished 6-roomed cottage, with hall, kitchen, and washhouse, newly built of brick on stone foundation, with 1000 gallons of water and supply of pure water, on a piece of land having frontage to the Summers Road of 100 feet, by a depth to a reserved road of 50 feet. Also, adjoining the above, 8 splendid building allotments. The above properties are the residence of Messrs. Berry, Brothers, and opposite Mr. Palling's residence; and the situation is too well appreciated by the public to require any comment from the auctioneer. Terms at sale. This. BATHURST. FRIDAY, 4th December. 411 ACRES LAND (more or less). At the Royal Hotel, Bathurst, at 11 o'clock. By order of the Executors, under will of the late Mr. Levi Stansfield. READ, CROAKER, and CO. are instructed to sell by auction, at the Royal Hotel, on FRIDAY, December 6th, 1874, at 3 o'clock, 400 ACRES LAND, bounded by the River Leach and the River; also, by John Macleay's 640 acres, and a village reserve, together with ALL IMPROVEMENTS, thereon, granted to Mr. Thomas Croaker, and now sold under mortgage by order of the representatives of the late Levi Stansfield, deceased.CENTRAL QUEENSLAND MEAT-PRESERVING COMPANY, ROCKHAMPTON. THE undersigned, Attorneys for Samuel Lowell Price, Esq., official Liquidators appointed by the Court of Chancery for the Central Queensland Meat-Preserving Company (Limited), will cause to be sold by public auction, in one lot (unless previously disposed of privately, at their premises, Quay-street, Bathurst, on TUESDAY, 1st December next, at 11 o'clock noon. All the lands, buildings, plant, machinery, &c., &c., belonging to the said S. L. Price, as liquidator of the said company. The land comprises 908 acres (more or less), accurately fenced, situated three miles below Rockhampton, and having a frontage to the Pioneer River at Lake's Creek, county of Livingston, parish of Archer. The buildings are most commodious, all of best new hardwood, roofed with galvanised iron and slating, totally and so substantially constructed, and fitted with all requisite, comprising main preserving shed, machinery shed, cooper's shed, store, fumigating shed, manager's residence, &c., &c., &c. The plant is most complete, having every requisite for working on meat-preserving and boiling down on a large scale, together with a large quantity of fuel, and a fair average day's work. There is also a splendid water-wheel, which ships of large tonnage can load safely, and past which all

